

## BEST AVAILABLE COPY

### REMARKS

Claims 61-63, 66-79 and 81-85 are now pending in this application. In the Advisory Action dated July 15, 2005, it was noted that the amendments made in applicants' response to the Final Rejection dated April 25, 2005 filed on June 27, 2005 were not entered because they allegedly raised new issues that would require further consideration, did not place the claims in condition for allowance, and presented additional claims without canceling a corresponding number of finally rejected claims. However, the Advisory Action indicated that, if entered, the amendment to claim 84 made in applicants' response filed on June 27, 2005 would overcome the rejection under 35 U.S.C. §112, second paragraph. The Advisory Action contended that new claims 86-90 were not considered because they would raise new issues that would require further consideration under the guidelines of 35 U.S.C. §112, first and second paragraphs. Also, similar to the Final Rejection, the Advisory Action contended that claims 69-77 and 79 were still rejected under 35 U.S.C. §112, first paragraph, and the amended claims in applicants' response filed on June 27, 2005 still contain structural analogs that serve as the basis the obviousness rejection set forth in the Final Rejection. In addition, the Advisory Action contends that the amended claims in applicants' response filed on June 27, 2005 are not sufficient to overcome the rejections under the judicially created doctrine of obviousness-type double patenting.

While applicants do not agree with these contentions, in an order to expedite prosecution of the application, applicants have amended claims 61, 62, 66, 78, 82 and 84 to claim subject matter that applicants believe satisfy the statutory requirements for allowance, for example, the term "substitute alkyl" has been deleted from the list of possible substituents for Z<sup>5\*</sup> thereby requiring the nitrogen to be substituted with alkenyl, substituted alkenyl, alkynyl, substituted alkynyl, carbocyclo, substituted carbocyclo, aryl, substituted aryl, heterocyclo, or substituted heterocyclo.. Applicants have also cancel claims 69-77 and 79. However, applicants respectfully reserve the right to pursue subject matter claimed in original claims 61-85 in a continuation application.

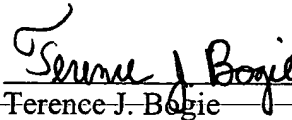
In addition, in order to expedite prosecution of this application, applicants are enclosing herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term for U.S. Patent 6,706,720.

In view of the foregoing, applicants respectfully submit that the pending claims are in condition for allowance. Therefore, a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 and 1.17 that may be required in filing this paper to Deposit Account No. 19-3880.

If, in the opinion of the Examiner, a telephone conference with the undersigned would facilitate prosecution of this patent application, the Examiner's call would be welcomed.

Respectfully submitted,



Date: August 15, 2005

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